

Variance Application For AutoZone
1011 NYS Route 94

General

Windsor Associates HS LLC is the owner of a 1.435 acre parcel of land located on the south side of N.Y.S. Route 94, identified as 1011 N.Y.S. Route 94. The subject parcel is located within the Design Shopping (C) Zoning District and it is presently a developed site. Situated on the property are 2 one-story buildings, one being an unoccupied Pizza Hut restaurant totaling 2,545 SF and the other an occupied retail building totaling 2,416 SF.

AutoZone is proposing to demolish the Pizza Hut building and construct a new 6,779 SF retail store. The existing retail building is scheduled to remain. Improvements proposed by AutoZone include 2 highway entrances, concrete curbing, a storm drainage system, landscaping, lighting and other associated realty improvements. Also included in the redevelopment of the site are 54 parking spaces which is less than the 62 parking spaces required by New Windsor's Zoning Ordinance, thus the need for a Parking Variance for 8 parking spaces.

Whether the benefit sought by the Applicant can be achieved by some other method feasible for the Applicant to pursue other than the Area Variance?

No other feasible measure is available to AutoZone. Being a national retail chain, it has a prototype building with standard dimensions which total 6,779 SF of building area. This prototype building along with the area of the existing retail building that is scheduled to remain leaves a defined area available for parking spaces. Utilizing all of this available area still leaves a deficiency of 8 spaces. To provide all of the required parking spaces will result in a reduction in the size of AutoZone's building which makes the site unfeasible for their use.

Whether the requested Area Variance is substantial?

The Parking Variance of 8 parking spaces is not substantial as it represents only a 13% reduction from that required by Zoning. The 54 parking spaces which will be constructed are adequate for the customers and employees of AutoZone and the existing retail building.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

The requested Parking Variance will allow the development of the site for retail purposes which is a permitted use in the C Zoning District. Because it is a permitted use, it will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Whether the alleged difficulty was self-created?

This factor is perhaps the most understood factor in the balancing test of granting an area variance. The fact that the property is leased with knowledge of applicable zoning renders any difficulty self-created. However, just because a difficulty is self-created

does not require the denial of a variance. It is important to note that the granting of the Parking Variance will allow AutoZone to redevelop a "tired" site which will be an asset to the neighborhood and that Town of New Windsor, and this without creating any adverse impacts.

Why the ZBA should grant the Application for an Area Variance?

The property is an existing retail site, developed approximately 30 years ago. AutoZone proposes to redevelop the site in its entirety in accordance with New Windsor's Site Plan Standards. This will result in a substantial upgrade to the property, to the neighborhood, and to the Town of New Windsor. As AutoZone does not require all of the parking required by Zoning, the deficiency of 8 parking spaces is not substantial and will not have an impact on the neighborhood.